

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

#22

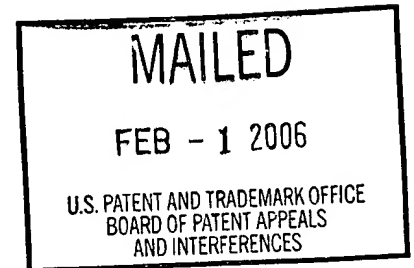
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY W. CONNER and
JAMES D. MASUCCI

Appeal No. 2003-1073
Application 09/540,234

ORDER DISMISSING APPEAL



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge,
ADAMS, Administrative Patent Judge.

Per curiam.

On June 3, 2002, appellants filed a Notice of Appeal. On December 23, 2005, appellants filed a communication requesting that this application be expressly abandoned in favor of a continuing application filed December 22, 2005.

Accordingly, it is

ORDERED that the appeal filed June 3, 2002, is dismissed.

Appeal No. 2003-1073
Application 09/540,234

The application is being returned to the examiner for further action as may be appropriate.


Michael R. Fleming, Chief
Administrative Patent Judge

~~Gary V. Harkcom, Vice Chief
Administrative Patent Judge~~

Donald E. Adams
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

Monsanto Company
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis, MO 63167

dem